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8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 ROBERT ALEXANDER KASEBERG,
12
13 Plaintiff,

14 v.

15 CONACO, LLC; TURNER
BROADCASTING SYSTEM; TIME
16 WARNER, INC.; CONAN O'BRIEN;
JEFF ROSS; MIKE SWEENEY; DOES
17 1-50, inclusive,

18 Defendants.
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CASE NO.: 3:15-cv-1637-JLS-MSB

Hon. Janis L. Sammartino

**DECLARATION OF THOMAS P.
BURKE JR. IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION *IN LIMINE*
NO. 4.**

DECLARATION OF THOMAS P. BURKE JR.

I, Thomas P. Burke Jr., declare and state as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and this Court. I am an associate at the law firm of Glaser Weil Fink Howard Avchen & Shapiro LLP, attorneys of record herein for Defendants Conaco, LLC; Turner Broadcasting System, Inc.; Warner Media, LLC as successor-in-interest to Time Warner Inc.; Conan O'Brien; Jeff Ross; and Mike Sweeney (collectively "Defendants"). The facts set forth herein are true of my own personal knowledge and, if called upon to testify thereto, I could and would competently do so under oath.

2. On August 17, 2018, I served a supplemental production on counsel for Plaintiff, including documents bates numbered CONACO_0001921–1991. This production included what has been submitted by Defendants as Exhibit IV.

3. The August 17, 2018 supplemental production was produced in order to capture recent, publicly-available postings online which tended to support Defendants' claim of independent creation, as that defense was developed through discovery and summary judgment briefing.

4. On January 24, 2019, my colleague and co-counsel for Defendants, Justin Thiele, served a supplemental production on counsel for Plaintiff, consisting of the Declaration of Autumn McIntosh and including documents bates numbered CONACO_0001991–2001. This production included what has been submitted by Defendants as Exhibit IW. Attached hereto as **Exhibit 1** is a true and correct copy of Exhibit IW.

5. The January 24, 2019 supplemental production consisted of new screen captures of internet evidence similar to that which had already been produced to Plaintiff: examples of third-party tweets of the Jokes at Issue captured through Twitter's search function. It was produced, along with the Declaration of Autumn McIntosh, in order to anticipate and prevent issues with authentication at trial of these

1 materials.

2 I declare under penalty of perjury under the laws of the United States that the
3 foregoing is true and correct.

4 Executed this 21st day of March 2019, at Los Angeles, California.

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6 /s/ Thomas P. Burke Jr.

7 Thomas P. Burke Jr.
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